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September 11, 2003

17958 U.S. PTO  
10/659438  
09/11/03

**MAIL STOP PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Application of Yoshitaka AKIBA  
NAIL GUN WITH SAFETY PORTION MECHANISM FOR PREVENTING  
MISFIRES  
Assignee: **HITACHI KOKI CO., LTD.**  
Our Ref: Q77408

Dear Sir:

This is a request for a Continuation Application of pending prior Application No. 10/119,721 (Confirmation No. Not Yet Assigned) filed April 11, 2002 of AKIBA, Yoshitaka entitled NAIL GUN WITH SAFETY PORTION MECHANISM FOR PREVENTING MISFIRES.

This application is being filed under 37 C.F.R. § 1.53(b). Enclosed is a specification, including the claims and abstract, 11 sheets (Figures 1-16) of drawings, and a copy of the Declaration as filed in the prior application. Also enclosed is a copy of the Assignment, an Information Disclosure Statement, and a PTO/SB/08 A & B (modified) listing references presently cited by applicant and/or the examiner during prosecution of the prior application.

The prior application is assigned to Group Art Unit 3721.

Amend the specification by inserting before the first line the sentence:

This is a continuation of Application No. 10/119,721 filed April 11, 2002 which is a continuation of Application No. 09/861,546 filed May 22, 2001; the disclosure of which is incorporated herein by reference.

Priority is claimed from:

<u>Country</u>	<u>Application No</u>	<u>Filing Date</u>
Japan	2000-151263	May 23, 2000

The priority document was filed in grand-parent Application No. 09/861,546.

The Government filing fee is calculated as follows:



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BOX PATENT APPLICATION  
Continuation Appln. of 10/119,721  
ATTORNEY DOCKET NO. Q77408

Total claims	<u>14</u> - 20	=	<u>5</u> x	\$18.00	=	<u>\$90.00</u>
Independent claims	<u>8</u> - 3	=	<u>5</u> x	\$84.00	=	<u>\$420.00</u>
Base Fee						<u>\$750.00</u>
						<u>\$1170.00</u>

**TOTAL FILING FEE**

A check for the statutory fee of \$1170.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this transmittal letter is attached.

The application is timely filed.

Respectfully submitted,

SUGHRUE MION, PLLC  
Attorneys for Applicant

By *Darryl Mexic* Reg. No. 38,557  
for Darryl Mexic  
Registration No. 23,063

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